

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LERNER NEW YORK d/b/a NEW
YORK & COMPANY

Petitioner-Employer

and

Case 01-RM-142091

NEW ENGLAND JOINT BOARD, LOCAL
173, a/w RWDSU/UFCW

Union

ORDER

The Union's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review. The Union's request for special permission to appeal from the Regional Director's direction of a mail ballot election is granted, but the appeal is denied on the merits.¹

MARK GASTON PEARCE,

CHAIRMAN

KENT Y. HIROZAWA,

MEMBER

LAUREN McFERRAN,

MEMBER

Dated, Washington, D.C., February 4, 2015

¹ We have treated the Union's assertion that the Regional Director erred in directing a mail ballot election as a request for special permission to appeal. We find no merit in its contention that a mail ballot election would prevent the Union from challenging the eligibility of the voters as the Board's Casehandling Manual (Part II) Representation Proceedings, Sec. 11336.5(b) provides that at the vote count of a mail ballot election, "the observers may, if they wish, challenge ballots."